



[Supreme Court of California](#)

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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## **Summary of Cases Accepted and Related Actions During Week of October 12, 2015**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#15-176 *People v. Hopson*, S228193.** (D066684; nonpublished opinion; Riverside County Superior Court; RIF1105594.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Was defendant's right of confrontation under the Sixth Amendment violated when the trial court permitted the prosecution to introduce out-of-court statements made by her deceased codefendant?

**#15-177 *Parrish v. Latham & Watkins*, S228277.** (B244841; 238 Cal.App.4th 81; Los Angeles County Superior Court; BC482394.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. This case presents the following issues: (1) Does the denial of former employees' motion for summary judgment in an action for misappropriation of trade secrets conclusively establish that their former employer had probable cause to bring the action and thus preclude the employees' subsequent action for malicious prosecution, even if the trial court in the prior action later found that it had been brought in bad faith? (2) Is the former employees' malicious prosecution action against the employer's former attorneys barred by the one-year statute of limitations in Code of Civil Procedure section 304.6?

**#15-178 *People v. Fisch*, S227665.** (C075352; nonpublished opinion; Shasta County Superior Court; 10F0008550.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re A.S.*, S220280 (#14-111), which presents the following issue: Must no-contact probation conditions be modified to explicitly include a knowledge requirement?

**#15-179 *People v. Lopez*, S228372.** (H040726; 238 Cal.App.4th 177, mod. 238 Cal.App.4th 999b; Santa Clara County Superior Court; C1235752, C1242237.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal

offenses. The court ordered briefing deferred pending decision in *People v. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

**#15-180 *People v. McCoy*, S229296.** (B260449; 239 Cal.App.4th 431; Ventura County Superior Court; 2012000250.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Morales*, S228030 (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

**#15-181 *People v. Nash*, S228198.** (F066160, F066278; nonpublished opinion; Kern County Superior Court; BF131808A, BF131808C.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

**#15-182 *Newark Unified School Dist. v. Superior Court*, S229112.** (A142963; 239 Cal.App.4th 33; Alameda County Superior Court; RG14738281.) Petition for review after the Court of Appeal granted a petition for a peremptory writ of mandate. The court ordered briefing deferred pending decision in *Ardon v. City of Los Angeles*, S223876 (#15-17), which presents the following issues: (1) Does inadvertent disclosure of attorney work product and privileged documents in response to a Public Records Act request waive those privileges and protections? (2) Should the attorney who received the documents be disqualified because she examined them and refused to return them?

**#15-183 *People v. Smith*, S228932.** (B256036; nonpublished opinion; Los Angeles County Superior Court; YA050327.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*,

S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

## DISPOSITIONS

The following case was transferred for reconsideration in light of *City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945:

**#12-108 *City of Hayward v. Trustees of California State University*, S203939.**

The following cases were transferred for reconsideration in light of *People v. Blackburn* (2015) 61 Cal.4th 1113 and *People v. Tran* (2015) 61 Cal.4th 1160:

**#13-67 *People v. Fuquay*, S211076.**

**#13-68 *People v. Mortimer*, S211072.**

Review in the following case, which was held for *People v. Blackburn* (2015) 61 Cal.4th 1113 and *People v. Tran* (2015) 61 Cal.4th 1160, was dismissed:

**#13-106 *People v. Nguyen*, S213703.**

The following cases were transferred for reconsideration in light of *People v. Johnson* (2015) 61 Cal.4th 674:

**#14-50 *In re Martinez*, S216922.**

**#14-86 *Braziel v. Superior Court*, S218503.**

**#14-121 *People v. Soto*, S220856.**

**#14-126 *People v. Hubbard*, S221541.**

**#14-138 *Schinkel v. Superior Court*, S221665.**

**#15-60 *People v. Jones*, S225240.**

**#15-100 *People v. Bess*, S226470.**

**#15-110 *People v. Delgado*, S226778.**

**#15-126 *People v. Young*, S226972.**

**#15-136 *People v. Denize*, S227227.**

**#15-137 *People v. Williams*, S227284.**

Review in the following cases, which were granted and held for *People v. Johnson* (2015) 61 Cal.4th 674, was dismissed:

**#14-129 *People v. Atkins*, S221786.**  
**#14-109 *People v. Dunckhurst*, S219745.**  
**#15-81 *People v. Hamilton*, S225853.**  
**#15-101 *People v. Galvan*, S226572.**  
**#15-102 *People v. Sims*, S226570.**

Review in the following cases, which were held for *People v. Prunty* (2015) 62 Cal.4th 59, was dismissed:

**#15-84 *People v. Lopez*, S225637.**  
**#15-95 *People v. Torres*, S225639.**

The following case was transferred for reconsideration in light of *People v. Prunty* (2015) 62 Cal.4th 59:

**#15-160 *People v. Hernandez*, S227457.**

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*